

1 LAUB and LAUB
2 JOE M. LAUB #3664
3 NICHOLUS PALMER #9888
4 TUDOR CHURILLA #884
5 630 E. Plumb Lane
6 Reno NV 89502
7 (775) 333-5282
8 Attorney for the Debtor(s)

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 IN RE

Case No. BK-N 09-51291 gwz
Ch. 13

12 LEONARDO L. TORRES
13 REBECCA F. TORRES

**RESPONSE TO MOTION FOR RELIEF FROM
AUTOMATIC STAY.**

Date: 12/12/2010

Debtors./

Time: 1:30 p.m.

14 **COMES NOW** the Debtor(s) who respond to the Motion for Relief from the
15 Automatic Stay as filed by Wells Fargo Bank N.A.

- 16 1. This is a proceeding under Chapter 13, with a confirmed plan.
- 17 2. Attached hereto as Exhibit 1 are Debtors bank Records from their credit
18 union showing the following ACH withdrawals by movant Wells Fargo
19 Home:
 - 20 a. November, 2009 payment, \$1,134.77: withdrawals made on
21 November 6, \$570.00, and on November 23, \$570.00 for a total of
22 \$1,140.00;
 - 23 b. December, 2009 payment, \$1,134.77; withdrawal made on January 4,
24 2010, \$1,140.00;
 - 25 c. January, 2010 payment, \$1,134.77; withdrawal made on January 15,
26 2010 for \$570.00, the balance of the payment to be paid by the end of
27 January.

- 1 3. A copy of this bank record was sent to movants counsel on January 15, 2010,
2 See Exhibit 2, attached hereto and made a part hereof, which consists of the
3 Fax cover sheet and the fax receipt of transmission.
- 4 4. The motion herein was filed January 8, 2010, and pursuant to debtors records
5 he was current that date, due for January.
- 6 5. The motion contains charges that should not be recoverable by this motion;
7 a. Post Petition property inspections: \$90.00
8 b. Post Petition Corporate advances: \$1,000.00
9 c. Filing fee for this motion: \$150.00
- 10 6. It appears that the movant bank lost direct payments to the debtors mortgage.
- 11 7. Movants counsel has had the documents relied upon herein by Debtor for
12 nearly two weeks and has made no attempt at any form of communication
13 regarding said bank records.
- 14 8. It is prayed that the Court grant debtors counsel fees for having to respond to
15 this motion.
16

17
18 WHEREFORE it is prayed that the Motion of Wells Fargo Bank N.A. be denied
19 and the Court award Debtors counsel fees and costs according to proof.

20 January 27, 2010.

21
22
23 /s/Joe M. Laub

24 Attorney for the Debtors
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28

ted Federal Credit Union

United

Account Balances	History	Recent Activity	U-Post-it	Transfers	Withdrawals	Bill Payment	Loan Options	Skip-A-Pay	E-Statement	Check Options	Year to Date	Other Options
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Recent ACH Transactions

Recent ACH Transactions for Share ID 79

Posted	Transaction Summary	Amount
01/15/10	ACH W/D: WELLS FARGO HOME TYPE: ONLINE PMT ID: 9500000000 CO: WELLS FARGO HOME %% ACH ECC WEB	-570.00
01/14/10	ACH Dep: SIERRA NEUROSURG TYPE: DIRECT DEP ID: 9111111101 DATA: 1014302485 04 CO: SIERRA NEUROSURG %% ACH ECC PPD	933.16
01/13/10	ACH W/D: DISH NETWORK TYPE: ONLINE PMT ID: 9500000000 CO: DISH NETWORK %% ACH ECC WEB	-86.00
01/13/10	ACH W/D: SIERRA PACIFIC TYPE: ONLINE PMT ID: 9500000000 CO: SIERRA PACIFIC %% ACH ECC WEB	-83.00
01/04/10	ACH W/D: WELLS FARGO HOME TYPE: ONLINE PMT ID: 9500000000 CO: WELLS FARGO HOME %% ACH ECC WEB	-1,140.00
12/31/09	ACH Dep: SIERRA NEUROSURG TYPE: DIRECT DEP ID: 9111111101 DATA: 1014302485 04 CO: SIERRA NEUROSURG %% ACH ECC PPD	937.45
12/28/09	ACH W/D: COUNTRY MUTUAL TYPE: INSURANCE ID: 2370807507	-125.03

Exhibit 1

ted Federal Credit Union

United**Now you can pay
your bills online!**

Account Balances	History	Recent Activity	U-Post-It	Transfers	Withdrawals	Bill Payment	Loan Options	Skip-A-Pay	E-Statement	Check Options	Year to Date	Other Options
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Recent ACH Transactions**Recent ACH Transactions for Share ID 79**

Posted	Transaction Summary	Amount
11/12/09	ACH W/D: AT&T TYPE: ONLINE PMT ID: 9500000000 CO: AT&T %% ACH ECC WEB	-20.00
11/06/09	ACH W/D: WELLS FARGO HOME TYPE: ONLINE PMT ID: 9500000000 CO: WELLS FARGO HOME %% ACH ECC WEB	-570.00
11/05/09	ACH Dep: SIERRA NEUROSURG TYPE: DIRECT DEP ID: 9111111101 DATA: 1014302485 04 CO: SIERRA NEUROSURG %% ACH ECC PPD	950.94
11/03/09	ACH W/D: DISH NETWORK TYPE: ONLINE PMT ID: 9500000000 CO: DISH NETWORK %% ACH ECC WEB	-20.00
10/26/09	ACH W/D: COUNTRY MUTUAL TYPE: INSURANCE ID: 2370807507 CO: COUNTRY MUTUAL %% ACH ECC PPD	-125.03
10/23/09	ACH W/D: WELLS FARGO HOME TYPE: ONLINE PMT ID: 9500000000 CO: WELLS FARGO HOME %% ACH ECC WEB	-570.00
10/22/09	ACH Dep: SIERRA NEUROSURG TYPE: DIRECT DEP ID: 9111111101 DATA: 1014302485 04 CO: SIERRA NEUROSURG	949.05

ted Federal Credit Union

DATA: 1014302485 04

CO: SIERRA NEUROSURG

%% ACH ECC PPD

11/25/09 ACH W/D: COUNTRY MUTUAL -125.03

TYPE: INSURANCE ID: 2370807507

CO: COUNTRY MUTUAL

%% ACH ECC PPD

11/23/09 ACH W/D: WELLS FARGO HOME -570.00

TYPE: ONLINE PMT ID: 9500000000

CO: WELLS FARGO HOME

%% ACH ECC WEB

11/19/09 ACH W/D: DISH NETWORK -87.00

TYPE: ONLINE PMT ID: 9500000000

CO: DISH NETWORK

%% ACH ECC WEB

11/19/09 ACH Dep: SIERRA NEUROSURG 943.02

TYPE: DIRECT DEP ID: 9111111101

DATA: 1014302485 04

CO: SIERRA NEUROSURG

%% ACH ECC PPD

11/12/09 ACH W/D: SIERRA PACIFIC -157.00

TYPE: ONLINE PMT ID: 9500000000

CO: SIERRA PACIFIC

%% ACH ECC WEB

11/12/09 ACH W/D: VERIZON WIRELESS -153.00

TYPE: ONLINE PMT ID: 9500000000

CO: VERIZON WIRELESS

%% ACH ECC WEB

11/12/09 ACH W/D: CHASE CARD SVS -100.00

TYPE: ONLINE PMT ID: 9500000000

CO: CHASE CARD SVS

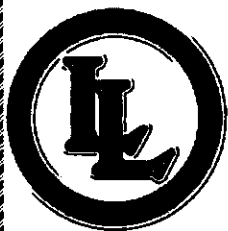
%% ACH ECC WEB

11/12/09 ACH W/D: CITY OF FERNLEY -67.00

TYPE: ONLINE PMT ID: 9500000000

CO: CITY OF FERNLEY

%% ACH ECC WEB



LAW FIRM OF
LAUB & LAUB

A Professional Corporation

PERSONAL INJURY
WORKERS COMPENSATION
CRIMINAL DEFENSE
BANKRUPTCY
REAL ESTATE

Fax Cover Sheet

To: **Wilde & Assoc.: Greg Wilde**

From: **Nicholas Palmer Esq.**

Fax: **702-258-8787**

Pages: **4 (including cover page)**

Re: **In Re Torres: 09-51219**

Date: **1/15/2010**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Re: your motion for relief from stay on behalf of Wells Fargo Bank, set for 2/12/2010 at 1:30pm
Allegation of missed payments

November, 2009, \$1,134.77: 11/6 \$570.00, 11/23 \$570.00 (total \$1,140.00)

December, 2009, \$1,134.77: 1/4/2010 \$1,140.00

January, 2010, \$1,134.77: 1/15/2010 \$570.00 (rest of payment to be paid by end of month)

All payments made by ach pay direct to Wells Fargo Home . Please have your client account for the payments or a response shall be filed and a 'respa' letter will be sent to your client for a full and complete accounting.

Nicholas Palmer, Esq.

Original will be sent via: U.S. Mail _____ Hand Delivery _____
Fed. Exp. _____ Via Facsimile Only X

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

Exhibit 2



1148 Ski Run Blvd.
South Lake Tahoe
California, 96150
(530) 577-LAUB
Fax (530) 544-4920



711 S. Carson St., Suite 2
Carson City
Nevada, 89701
(775) 883-LAUB
Fax (775) 883-1527



10368 Donner Pass
Truckee
California, 96161
(530) 587-LAUB
Fax (530) 587-236



MODE = MEMORY TRANSMISSION

START=JAN-15 16:03

END=JAN-15 16:05



FILE NO.=581

STN NO.	COMM.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	817022588787	004/004	00:02:02

***** e-STUDIO190F ***** -

- ***** -

- *****

	<p>LAW FIRM OF LAUB & LAUB A Professional Corporation</p>	<p>PERSONAL INJURY WORKERS COMPENSATION CRIMINAL DEFENSE BANKRUPTCY REAL ESTATE</p>
<h2><u>Fax Cover Sheet</u></h2>		
To: Wilde & Assoc.: Greg Wilde		From: Nicholas Palmer Esq.
Fax: 702-258-8787		Pages: 4 (including cover page)
Re: In Re Torres: 09-51219		Date: 1/15/2010
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle		
<p>Re: your motion for relief from stay on behalf of Wells Fargo Bank, set for 2/12/2010 at 1:30pm Allegation of missed payments November, 2009, \$1,134.77: 11/6 \$570.00, 11/23 \$570.00 (total \$1,140.00) December, 2009, \$1,134.77: 1/4/2010 \$1,140.00 January, 2010, \$1,134.77: 1/15/2010 \$570.00 (rest of payment to be paid by end of month)</p> <p>All payments made by ach pay direct to Wells Fargo Home . Please have your client account for the payments or a response shall be filed and a 'respa' letter will be sent to your client for a full and complete accounting.</p> <p> Nicholas Palmer, Esq.</p>		
Original will be sent via: U.S. Mail _____ Hand Delivery _____ Fed. Exp. _____ Via Facsimile Only <u> X </u>		
<p>THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.</p>		
<input type="checkbox"/> 1348 Ski Run Blvd. South Lake Tahoe California, 96150 (530) 577-LAUB Fax (530) 544-4920	<input type="checkbox"/> 711 S. Carson St., Suite 2 Carson City Nevada, 89701 (775) 883-LAUB Fax (775) 883-1527	<input type="checkbox"/> 10368 Donner Pass Rd. Truckee California, 96161 (530) 587-LAUB Fax (530) 587-2367
<input checked="" type="checkbox"/> 630 E. Plumb Lane Reno Nevada, 89502 (775) 323-LAUB Fax (775) 323-3699		

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bankr. P. 9014, 7004 and Fed. R. Civ. P. 4(g), I John A. Ham, hereby swear under penalty of perjury that I am over the age of 18, not a party to the within action, and that on October 21, 2009, I Electronically Filed the attached **RESPONSE TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY** and that upon the filing of the document I anticipate that the Bankruptcy Court will thereafter generate a Notice of Electronic Filing and electronically transmit the document to:

William Van Meter
PO Box 6630
Reno NV 89513

Wilde & Assoc.
Gregory L. Wilde, Esq.
208 South Jones Blvd.
Las Vegas NV 89107

GREGORY L. WILDE on behalf of Creditor WELLS FARGO BANK,
bk@wildelaw.com

Executed on this 27th day of January, 2010

/s/John A. Ham

John A. Ham, Senior Paralegal Bankr. Sect.